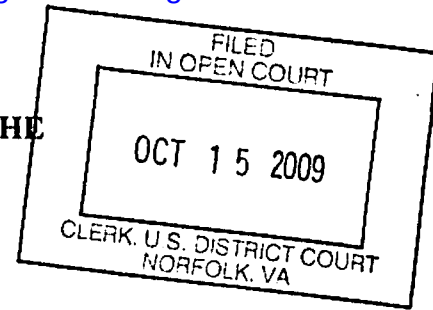


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Norfolk Division



UNITED STATES OF AMERICA )

v. )

JOHN LEE MCCOY, III )

Criminal No. 2:09cr42

**STATEMENT OF FACTS**

This statement of facts is submitted in support of the guilty plea to Count One of the pending indictment and the one count criminal information filed along with this statement of facts. Count One charges the defendant with conspiracy to distribute and possess with intent to distribute: five (5) kilograms or more of cocaine, one (1) kilogram or more of heroin, fifty (50) grams or more of cocaine base and one-thousand (1000) kilograms or more of marijuana; to use communication facilities to cause, commit and facilitate felony violations of the Controlled Substances Act; and, to open, lease rent, use and maintain places for the purpose of manufacturing, distributing and using controlled substances, in violation of Title 21, United States Code, Sections 846, 841(a)(1), 843(b) and 856(a). The criminal information charges the defendant with using, carrying and possessing a firearm during and in relation to and in furtherance of a drug trafficking crime, in violation of Title 18, United States Code, Section 924(c)(1)(A). This statement of facts contains information necessary to support the guilty plea. It is not intended to include each and every fact in the case. If the matter had gone to trial, the United States would have proven the charges to which the defendant is pleading guilty by proof beyond a reasonable doubt of the following facts:

John Lee McCoy, III (hereinafter JOHN MCCOY) and the lead defendant in this case, Anthony Gonzalez, a/k/a "Geezy," (GONZALEZ) are cousins and both men are from Virginia

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Beach, Virginia. Prior to his arrest in April 2009, GONZALEZ was the leader of a drug trafficking organization that distributed cocaine, cocaine base, marijuana and heroin in the Eastern District of Virginia and elsewhere beginning in or about 2003. Prior to his arrest in April 2009, JOHN MCCOY was a member of GONZALEZ's drug trafficking organization (the GONZALEZ DTO). JOHN MCCOY participated in the affairs of the conspiracy by assuming different roles and by performing various tasks in furtherance of the conspiracy. During the conspiracy charged in Count One of the Indictment, JOHN MCCOY distributed cocaine and marijuana that was supplied to him by GONZALEZ.

On or about April 14, 2006, at Virginia Beach, Virginia, JOHN MCCOY possessed approximately 480 pounds of marijuana with intent to distribute. On or about January 16, 2008, in Hampton, Virginia, JOHN MCCOY and a coconspirator purchased a black 2004 Nissan 350Z VIN # JN1AZ34E94M154306 for \$23,000 in drug proceeds provided by ANTHONY GONZALEZ.

On or about July 15, 2008, ANTHONY GONZALEZ utilized his cell phone to send a text message to JOHN MCCOY stating, "Need 57 each". On or about July 15, 2008, JOHN MCCOY sent ANTHONY GONZALEZ a text message asking, "You think you can do 56?" On or about July 15, 2008, ANTHONY GONZALEZ utilized his cell phone to send a text message to JOHN MCCOY stating, "I will". On or about July 15, 2008, JOHN MCCOY sent ANTHONY GONZALEZ a text message stating, "Gotcha. Just talked 2 auntie". On or about July 15, 2008, ANTHONY GONZALEZ utilized his cell phone to send a text message to JOHN MCCOY, instructing MCCOY to contact a coconspirator, GONZALEZ's mother, stating, "Yeah c if she @ peake n call me."

On or about October 23, 2007, at Virginia Beach, Virginia, RAYMOND MCCOY signed a lease agreement for an apartment on Windermere Court in Virginia Beach, Virginia at the direction

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of GONZALEZ. Thereafter, JOHN MCCOY and RAYMOND MCCOY and other members of the GONZALEZ DTO utilized this apartment for the purpose of storing, repackaging and distributing controlled substances. In 2007 and 2008, a Phoenix, Arizona based coconspirator nicknamed "Pipes" was supplying the GONZALEZ DTO with large quantities of cocaine and marijuana. In January 2008, JOHN MCCOY made a "side" deal with Pipes for Pipes to supply JOHN MCCOY with one-hundred pounds of marijuana, without GONZALEZ's knowledge. On or about January 28, 2008, Pipes delivered one-hundred pounds of marijuana to JOHN MCCOY and RAYMOND MCCOY at the Windermere Court apartment. Later on January 28, 2008, the Windermere Court apartment was burglarized and the marijuana was stolen.

During his participation in the conspiracy charged in Count One of the Indictment, JOHN MCCOY used and carried firearms during and in relation to the charged conspiracy and possessed firearms in furtherance of the charged conspiracy. On or about December 8, 2005, at Virginia Beach, Virginia, JOHN MCCOY purchased a Smith and Wesson Model 60 .357 caliber revolver bearing serial number CJL0671, ammunition, and a range membership for \$581.78. On or about December 12, 2005, at Virginia Beach, Virginia, JOHN MCCOY made application to the Circuit Court of Virginia Beach, Virginia for a permit to carry a concealed firearm. On or about October 15, 2006, at Virginia Beach, Virginia, JOHN MCCOY shot a man in the face and neck in retaliation for a burglary committed at RAYMOND MCCOY's residence in Virginia Beach, Virginia on December 13, 2004. On or about March 1, 2009, JOHN MCCOY purchased a Mossberg model Persuader 12 gauge shotgun bearing serial number T342992 and a Taurus Model 845 .45 caliber semi-automatic pistol bearing serial number NBV65553.

At the time of his arrest on April 24, 2009, JOHN MCCOY possessed a Taurus Model 845 .45 caliber semi-automatic pistol bearing serial number NBV65553 on his person. Police recovered a Mossberg model Persuader 12 gauge shotgun bearing serial number T342992, a Taurus

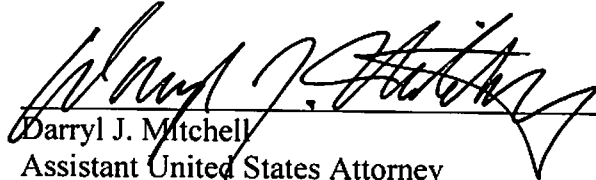
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Model PT111 9mm semi-automatic handgun with an obliterated serial number, a Smith and Wesson .38 caliber revolver bearing serial number C423680 and \$4,500 in cash in JOHN MCCOY's residence.

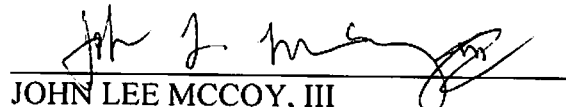
Respectfully submitted,

NEIL H. MACBRIDE  
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By:

  
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Defendant's Signature: After consulting with my attorney and pursuant to the plea agreement entered into this day between myself, the United States and my attorney, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

  
JOHN LEE MCCOY, III  
Defendant

Defense Counsel's Signature: I am John Lee McCoy, III's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

  
Brett D. Lucas, Esq.  
Counsel for Defendant